

for filing and the original instrument and copy received in accordance with paragraph (b) of this section.

(g) When the filing of an instrument submitted by facsimile is terminated for an alteration in accordance with paragraph (f)(3) of this section, the original instrument and copy received in accordance with paragraph (b) of this section will be deemed to be an original filing under this subpart subject to termination. The procedures for written notification of the termination of the filing and for the disposition of instruments described in paragraphs (b) and (c) of § 67.217 will apply.

[CGD 95-070, 60 FR 40241, Aug. 7, 1995, as amended by USCG-1998-4442, 63 FR 52191, Sept. 30, 1998]

### **Subpart P—Filing and Recording of Instruments—Bills of Sale and Related Instruments**

#### **§ 67.220 Requirements.**

An instrument in the nature of a bill of sale or a deed of gift must:

(a) Meet all of the requirements of subpart O of this part;

(b) Be signed by or on behalf of all the seller(s) or donor(s); and

(c) Recite the following:

(1) The name(s) and address(es) of the seller(s) or donor(s) and the interest in the vessel held by the seller(s) or donor(s); and

(2) The name(s) and address(es) of the buyer(s) or donee(s) and the interest in the vessel held by each buyer or donee.

#### **§ 67.223 Filing limitation.**

An instrument presented for filing and recording under this subpart may be filed only in conjunction with an application for initial documentation or return to documentation of the vessel or with an application for a change to or deletion of the vessel's outstanding Certificate of Documentation.

### **Subpart Q—Filing and Recording of Instruments—Mortgages, Preferred Mortgages, and Related Instruments**

#### **§ 67.231 General requirements; optional application for filing and recording.**

(a) A mortgage or related instrument presented for filing and recording must meet all of the requirements of subpart O of this part in addition to the pertinent section(s) of this subpart.

(b) All instruments supplemental to mortgages must recite information which clearly identifies the mortgage to which the supplemental instrument is applicable. Such information will normally consist of the book and page where that mortgage is recorded and the date and time of filing. If the submission of the supplemental instrument is contemporaneous with submission of the mortgage, the information should include the names of all parties to the mortgage, the date of the mortgage, and the amount of the mortgage.

(c) An Optional Application for Filing (CG-5542) may be attached to a mortgage or related instrument. If form CG-5542 is properly completed with all information required for indexing the instrument and the signature(s) specified thereon, the instrument to which it is attached will be filed and recorded with no further review.

#### **§ 67.233 Restrictions on recording mortgages, preferred mortgages, and related instruments.**

(a) A mortgage or assumption of mortgage which otherwise meets the requirements of this subpart is nonetheless not eligible for filing and recording if:

(1) The mortgagor or assuming party(ies) did not actually hold legal title to the interest in the vessel being mortgaged or covered by the assumption at the time of filing of the mortgage or assumption; or

(2) If the vessel(s) which the mortgage cover(s) is (are) not documented or not the subject of an application for documentation.

(b) Except as provided in paragraph (c) of this section, a mortgage submitted for filing and recording as a preferred mortgage or supplemental instrument thereto which otherwise meets the requirements of this subpart, is eligible for filing and recording only if it results in a mortgage interest being held by:

- (1) A State;
- (2) The United States Government;
- (3) A federally insured depository institution which has not been disapproved by the Secretary;
- (4) An individual who is a citizen of the United States;
- (5) A person qualifying as a citizen of the United States as defined in 46 U.S.C. app. 802; or
- (6) A person approved by the Secretary.

(c) The requirements of paragraph (b) of this section do not apply to the mortgagee of a vessel identified in §67.11(b) or to any other vessel to which the Maritime Administration has given approval for unrestricted transfer pursuant to regulations in 46 CFR part 221.

NOTE: Disapproval of a federally insured depository institution as a preferred mortgagee under §67.233(b)(3), or approval of a person as a preferred mortgagee under §67.233(b)(6) is determined by the Maritime Administration pursuant to regulations in 46 CFR part 221.

**§ 67.235 Requirements for mortgages.**

(a) A mortgage presented for filing and recording must:

- (1) Be signed by or on behalf of each mortgagor; and
- (2) Recite the following:
  - (i) The name and address of each mortgagor and the interest in the vessel held by the mortgagor(s);
  - (ii) The name and address of each mortgagee and the interest in the vessel granted by the mortgage; and
  - (iii) The amount of the direct or contingent obligations that is or may become secured by the mortgage, excluding interest, expenses, and fees. The amount may be recited in one or more

units of account as agreed to by the parties.

(b) A mortgage submitted for filing and recording as a preferred mortgage must cover the whole of a vessel.

(c) A mortgage which secures more than one vessel may, at the option of the parties, provide for separate discharge of such vessels.

**§ 67.237 Requirements for assignments of mortgages.**

An assignment of mortgage presented for filing and recording must:

- (a) Be signed by or on behalf of each assignor; and
- (b) Recite the following:
  - (1) The name and address of each assignor and the interest in the mortgage held by the assignor(s); and
  - (2) The name and address of each assignee and the interest in the mortgage granted to the assignee(s).

**§ 67.239 Requirements for assumptions of mortgages.**

An assumption of mortgage presented for filing and recording must:

- (a) Be signed by or on behalf of each original mortgagor, each mortgagee, and each assuming party; and
- (b) Recite the following:
  - (1) The name and address of each original mortgagor and the interest in the vessel mortgaged; and
  - (2) The name and address of each assuming party and the interest in the mortgage assumed.

**§ 67.241 Requirements for amendments of or supplements to mortgages.**

An amendment of or supplement to a mortgage presented for filing and recording must:

- (a) Be signed by or on behalf of each mortgagor and each mortgagee; and
- (b) Recite the following:
  - (1) The name and address of each mortgagor and mortgagee; and
  - (2) The nature of the change effected by the instrument.

**§ 67.243 Requirements for instruments subordinating mortgages.**

An instrument subordinating a mortgage presented for filing and recording must: